

Senate Bill No. 637

CHAPTER 48

An act to amend Sections 31459.1 and 31535.1 of the Government Code, relating to county employees' retirement.

[Approved by Governor June 29, 2011. Filed with
Secretary of State July 1, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

SB 637, Committee on Public Employment and Retirement. County employees' retirement: board of investment: powers.

The County Employees Retirement Act of 1937 prescribes the rights, benefits, and duties of members of the retirement systems established pursuant to its provisions. The act vests the management of these systems in a retirement board except in certain instances in which certain functions may be delegated to a board of investment. The act permits the retirement system of a county that exceeds a specified threshold of assets to form a board of investment which is responsible for all investments of the system. Existing law, applicable to Los Angeles County, authorizes a board of retirement to exercise the power to issue subpoenas and subpoenas duces tecum, and to compensate persons subpoenaed, as specified, for matters within the board's jurisdiction.

This bill would extend the power to issue subpoenas and subpoenas duces tecum, and to compensate persons subpoenaed, described above, to the Board of Investment of the Los Angeles County Employees Retirement Association.

The people of the State of California do enact as follows:

SECTION 1. Section 31459.1 of the Government Code is amended to read:

31459.1. (a) In a county in which a board of investments has been established pursuant to Section 31520.2:

(1) As used in Sections 31453, 31453.5, 31454, 31454.1, 31454.5, 31472, 31588.1, 31589.1, 31591, 31592.3, 31594, 31595.1, 31595.9, 31596, 31596.1, 31601.1, 31607, 31610, 31611, 31612, 31613, 31616, 31618, 31621.11, 31625, 31639.26, 31784, and 31872, "board" means board of investments.

(2) As used in the first paragraph of Section 31592.2 and the first paragraph and subdivision (c) of the second paragraph of Section 31595, "board" means a board of investments.

(3) Sections 31521, 31522, 31522.1, 31522.2, 31523, 31524, 31525, 31528, 31529, 31529.5, 31535.1, 31580.2, 31614, 31680, and 31680.1, apply to both the board of retirement and board of investments, and “board” means either or both the board of retirement and board of investments.

(4) Subdivision (a) of Section 31526 and subdivisions (a) and (b) of the second paragraph of Section 31595 apply to both the board of retirement and board of investments, and “board” means either or both the board of retirement and board of investments.

(b) In Article 17 (commencing with Section 31880) of this chapter, “board” means the Board of Administration of the Public Employees’ Retirement System.

(c) In all other cases, “board” means the board of retirement.

(d) This section shall apply only in a county of the first class, as defined in Section 28020, as amended by Chapter 1204 of the Statutes of 1971, and Section 28022, as amended by Chapter 43 of the Statutes of 1961.

SEC. 2. Section 31535.1 of the Government Code is amended to read:

31535.1. The board may issue subpoenas and subpoenas duces tecum, and compensate persons subpoenaed. This power shall be exercised and enforced in the same manner as the similar power granted the board of supervisors in Article 9 (commencing with Section 25170) of Chapter 1 of Part 2 of Division 2 of this title; except that the power shall extend only to matters within the board’s jurisdiction, and committees of the board shall not have this power. Reasonable fees and expenses may be provided for by board regulation for any or all of the witnesses regardless of which party subpoenaed them.

Subpoenas shall be signed by the chairman or secretary of the board, except that the board may by regulation provide for express written delegation of its subpoena power to the retirement administrator or to any referee it appoints pursuant to this chapter.

Any member of the board, the referee, or any person otherwise empowered to issue subpoenas may administer oaths to, or take depositions from, witnesses before the board or referee.

This section shall apply only in a county of the first class, as defined by Section 28020, as amended by Chapter 1204 of the Statutes of 1971, and Section 28022, as amended by Chapter 43 of the Statutes of 1961.